S.B. Civil Misc. Appeal No.1492/2004

Date of Order :: 05-10-2004

HON'BLE MR. PRAKASH TATIA,J.

Mr. R.S. Saluja, for the appellant.

Heard learned counsel for the appellant.

The appellant sought injunction against the respondent for restraining them from giving work contract to any other person on the ground that the contract was awarded to the appellant by the respondents and the appellant's contract was illegally cancelled by the respondents. It is submitted by the learned counsel for the appellant that the respondents themselves were responsible for non-completion of the work as respondents themselves put obstruction in work.

Facts of the case reveal that the appellant was to start road construction from 15.12.2003 and he was to complete the work by 15.5.2004. The fact reveals that the contract amount was more than Rs.39,00,000/-. According to appellant, he completed work of Rs.12,00,000/- and he received payment of Rs.1,14,000/- Contrary to it, respondents submitted that they paid Rs.2,64,085/- to the appellant upto 26.3.2004. The respondents submitted that the work of the appellant was found sub-standard and the site was inspected in the presence of the representatives of the appellant.

In view of the above facts, if appellant is entitled for the relief, then he is entitled for the damages but because of the dispute between the appellant and the respondents, public work cannot be made to suffer, and therefore, there appears to be no reason for granting any injunction order so as to stop the public utility work. On this ground alone, I do not find any merit in the appeal.

So far as the contention of the learned counsel for the appellant is that the respondents will impose penalty upon the appellant and the amount may be recovered from the appellant. Now it is relevant for the purpose for granting any stay against the construction of the road has not been shown. The appellant as stated above, if will prove his case for damages, he may get all the reliefs from the respondents and even from the officers of the respondent (personally) if they have committed any wrong against the appellant.

In view of the above, the appeal of the appellant is dismissed.

[PRAKASH TATIA],J.

Praveen